

Ser. No. 10/733,889

Remarks

Claims 1-15 were pending in the application. Claims 1-9 were rejected. Claims 10-15 were withdrawn. No claims were merely objected to and no claims were allowed. By the foregoing amendment, no claims are canceled, claim 1 is amended, and claims 16-20 are added. No new matter is presented.

Restriction was required as follows:

- I. Claims 10-15, drawn to a method of making apparatus for cleaning surface of a vessel, classified in class 15, subclass 1.
- II. Claims 1-9 (now 1-9 and 16-20), drawn to an apparatus for cleaning soot on surfaces, classified in class 431, subclass 1.

Applicants affirm the election of Group II with traverse. Traverse is on the grounds that examination of all the claims would not present an undue burden. Although separately classified, the search classes of the two groups are expected to largely, if not completely, overlap. Accordingly, if the restriction requirement is withdrawn, claims 1-20 will be examined. If not withdrawn, claims 1-9 and 16-20 will be examined.

Claim Rejections-35 U.S.C. 102

Claims 1 and 4 were rejected as being anticipated by Hunter, Jr. (US5494004). Applicants respectfully traverse the rejection.

Elements 21 and 31 were asserted as segments secured end-to-end. Hunter, Jr. discloses an apparatus having a base housing member 21 and a pivotal housing member 32 pivotally coupled to the base housing member. By the foregoing amendment, claim 1 is amended to identify that the securing is against relative movement. This attribute is inherent in the identified embodiment of doubly flanged segments of claim 3.

Claim Rejections-35 U.S.C. 103

Claims 2, 3, and 5-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter, Jr. in view of Jennings et al. (US2972502). Applicants respectfully traverse the rejection.

Jennings et al. was asserted as teaching the claimed segmentation. Jennings et al.,

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however, does not involve a detonative cleaning apparatus. Jennings et al. involves a pellet projector. The Office action identified one particular embodiment wherein the "pellets may be discharged from a soot blowing device which is also adapted to discharge a fluid cleaning agent such as air and/or steam. Col. 5, lines 61-64.

There is no reasonable suggestion to modify Hunter, Jr. based upon segmentation of a hybrid pellet and air/steam system. The asserted motivation was the conclusory "in order to provide a rugged, reliable and compact apparatus that can be located outside the walls..." Office action, page 6, first full paragraph. To make such a rejection, it must first be substantiated that one would have found Hunter, Jr. to be insufficiently rugged, reliable, compact, and locatable outside a wall. The rejection must then indicate a reason why one of ordinary skill would have chosen to adopt specific teachings of Jennings et al. in a specific way so as to cure the insufficiency of Hunter, Jr. and also yield the claimed invention. There is no basis for either of these.

Jennings et al. substantially predates Hunter, Jr. Additionally, flanged conduits have been used in industry for even longer. Clearly, had the use of flanged conduit sections been obvious, Hunter, Jr. would have done so. This is distinguished, for example, from the situation wherein a recent improvement is, in turn, applied to a variety of existing devices.

Furthermore, the proposed modifications of Hunter, Jr. would defeat basic functions of Hunter, Jr. The teachings of Hunter, Jr. are directed to hinging of two portions to allow insertion in a folded state, followed by unfolding to permit use and further to aim. These attributes would be utterly defeated by the proposed modification which would permanently fix Hunter, Jr.'s orientation in an intermediate condition of deployment.

New claims 16-18 are supported by as-filed claims 4 and 5. These are similarly not suggested.

New claims 19 and 20 are supported by as-filed claim 8.

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Accordingly, Applicants submit that claims 1-20 are in condition for allowance. Please charge any fees or deficiency or credit any overpayment to our Deposit Account of record.

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I hereby certify that this correspondence is being facsimile transmitted this 8th day of June, 2007 to the USPTO, at Fax No. 571-273-8300.

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